

In the Figures:

Please amend Figures 1 and 2 as per the enclosed Replacement Sheets.

REMARKS

In response to the non-final Office Action of February 2, 2011, Figures 1 and 2 are submitted herewith with the legend --Prior Art-- as requested by the Office. No new matter is added.

Independent claims 1, 19, and 22 have been amended in a manner which is believed to particularly point out and distinctly claim the invention. Claim 14 is canceled without prejudice. Support for the amendment to the independent claims is found in the original application as filed, including Figure 3 which shows that the apparatus is a key arrangement for a hand-portable electronic device which is also disclosed in the published PCT application (WO 2005/064899 A1) at page 5, lines 18-27. No new matter is added.

Claim Rejections - 35 USC §112

At sections 2 and 3, claim 14 is rejected under 35 USC §112, first paragraph as failing to comply with the enablement requirement. Claim 14 is canceled.

Objection to Figures

At section 4, Figures 1 and 2 are objected to for not having a designation containing a legend such as --Prior Art--. These figures are now submitted in Replacement Sheets which show them with the legend --Prior Art--. As such, these figures are believed to be in compliance with MPEP §608.02(g).

Claim Rejections - 35 USC §102

At sections 5 and 6, claims 1, 8, 9, 1-12¹, 19 and 22 under 35 USC §102(a) as being anticipated in view of US patent 6,903,652, Noguchi, et al (hereinafter Noguchi).

With respect to claim 1, it is asserted that Noguchi shows a planar body (generally as item 53) and the claimed input key (generally as items 55 and 56a). For the reasons presented below, it is respectfully submitted that claim 1, as amended, is not anticipated or suggested by Noguchi.

¹ Apparently this was meant to be 11-12.

More particularly, embodiments of the invention as defined by the amended independent claims, including claim 1, relate to an apparatus comprising a substantially planar body and an input key. The input key is attachable to the body and the input key is actuatable in an axis perpendicular to the plane of the substantially planar body. The input key is arranged such that the input key is configured to provide user input by relative movement along confronting surfaces of the body and the input key. The relative movement is rotational about an axis which extends perpendicular to an operating face of the planar body. The apparatus is a key arrangement for a hand-portable electronic device.

Embodiments of the invention as defined by independent claim 19 relate to a corresponding method and embodiments of the invention as defined by independent claim 22 relate to a similar apparatus.

Noguchi discloses an input apparatus for vehicle-installed instruments. In particular, Figures 17-21 disclose an input apparatus. The input apparatus is designed for use in a vehicle so that it may be used by the driver while the driver is operating the vehicle. The input apparatus disclosed in Figures 17-21 comprises a jog dial 55 which may be rotated by the user and also a joystick 56 which may be part of the user input and may be activated by being pressed.

Noguchi fails to disclose that the key arrangement is configured for a hand-portable electronic device as is required by amended claim 1.

Therefore, applicants respectfully submit that claim 1 is novel with respect to Noguchi.

Furthermore, applicants respectfully submit that it would not have been obvious for a person of ordinary skill in the art to modify the teaching of Noguchi to suggest amended claim 1. Firstly, Noguchi relates to a different technical field to the embodiments of the present invention. Noguchi relates to a user input which is optimized for use in a vehicle and is designed to be operated while the user is driving the vehicle. Conversely, the embodiments of the present invention relate to user inputs which are used in hand-portable electronic devices, such as mobile telephones. These are not related technical fields. A person of ordinary skill in the art of user input devices for vehicles would not necessarily be skilled in the art of user input devices for hand-portable electronic devices.

Furthermore, the technical considerations which must be taken into account for designing user input devices for use in a vehicle are completely different, and in many ways contradictory, to the technical consideration which might be taken into account when designing user input devices for hand-portable devices, such as mobile telephones. For example, the user input device of the vehicle which is disclosed in Noguchi is designed to be operated without the user having to look at the user input device. This enables the driver to concentrate on the driving and not have to look at the user input device rather than the road. This is different to a hand-portable electronic device, which would typically be held in the user's hand and looked at by the user when being used. Secondly, the user input device of a mobile telephone is typically restricted by size and must be small enough to fit onto a device which is small enough to fit into a user's hand or a pocket. This is, again, different from a device for a car or other vehicle where the space available for using the device is not so limited. Therefore, there would be no reason why a person of ordinary skill in the art would even consider the teaching of Noguchi and amending this to be used in a hand-portable electronic device.

Furthermore, even if a person of ordinary skill in the art were to consider implementing the user input device disclosed in Noguchi into a hand-portable electronic device, the result would not necessarily be something falling within the terms of amended claim 1. Noguchi teaches a user input having both a rotary dial and a joystick. This is contradictory to the embodiments of the present invention which teach that it is advantageous to limit the number of user input keys so as to save space on the hand-portable electronic device. Therefore is would not have been obvious to a person skilled in the art to introduce a feature both of a rotary dial and a joystick into a single hand-portable electronic device.

In view of the foregoing, it is therefore respectfully submitted that amended claim 1 is not suggested by Noguchi.

Independent claims 19 and 21 have been amended in a manner similar to claim 1 and, for similar reasons, independent claims 19 and 22 are also believed to be neither anticipated nor suggested by Noguchi.

Since each of the independent claims is believed to be allowable, it is respectfully submitted that dependent claims 8, 9, 11, and 12 are also neither anticipated by Noguchi nor suggested by Noguchi at least in view of their ultimate dependency to independent claim 1.

Claim Rejections - 35 USC §103

At sections 7-9, dependent claims 2, 3, 7, 10, 13, 15-17, 20, 21, and 23 are rejected under 35 USC §103(a) as unpatentable over Noguchi. Each of these dependent claims is also believed to be allowable in view of their dependency from an independent claim which is believed to be allowable.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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